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11/14/00  
jc945 U.S. PTO

PATENT  
ATTORNEY DOCKET NO.: 046700-5044

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

jc892 U.S. PTO  
09/712302  
11/14/00

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION  
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventor: Christopher J. SMITH

For: "METHOD AND APPARATUS TO PERFORM BUY VERSUS LEASING  
TRANSFORMATIONAL BIDDING"

1. This is a new ☒ **Utility** ☐ **Design** ☐ **Plant** patent application.
2. The papers enclosed to obtain a filing date are as follows:
  - 38 Pages of Specification including
  - 1 Title Page
  - 8 Pages of Claims
  - 1 Page(s) of Abstract
  - 7 Sheets of drawings containing 8 Figures
  - ☐ The enclosed drawing(s) are photograph(s), and there is also attached a  
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)
3. Combined Declaration and Power of Attorney
  - ☒ Enclosed and is executed by all inventors.
  - ☐ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of the time  
set for filing the Declaration and paying the filing fees.

## 4. Language

- ☒ English  
☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

## 5. Assignment

- ☒ An assignment of the invention to FreeMarkets, Inc. and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

- ☐ An assignment will be filed at a later date.

## 6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

- ☐ Priority of the following foreign application(s) is claimed:

| Country | Application No. | Filed |
|---------|-----------------|-------|
|         |                 |       |
|         |                 |       |

Certified copy(ies): ☐ is/are attached. ☐ will follow.

## 7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

- ☐ Priority of the following provisional application(s) is claimed:

| Application No. | Filed |
|-----------------|-------|
|                 |       |
|                 |       |

## A. Relate Back - 35 U.S.C. §119(e)

- ☐ Amend the specification by inserting before the first line the sentence:  
 "This application claims priority of copending provisional application(s)  
 No. \_\_\_\_\_ filed on \_\_\_\_\_."

## 8. Small entity status

- ☐ A statement claiming small entity status under 37 C.F.R. §§1.9 and 1.27 is enclosed.

## 9. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS FOR FEE CALCULATION                               |              |              |                |  |
|--|--------------|--------------|----------------|--|
|  | Number Filed | Number Extra | at Rate of     | Basic Fee<br>Utility \$710.00<br>Design \$320.00 |
| Total Claims<br>(37 C.F.R. §1.16(c))                     | 30 - 20 =    | 10           | \$ 18.00 each= | + 180.00   |
| Independent Claims<br>(37 C.F.R. §1.16(b))               | 2 - 3 =      | 0            | \$ 80.00 each= | + 0  |
| Multiple dependent claim(s), if any (37 C.F.R. §1.16(d)) |              |              | \$270.00       | + 0  |
| SUB-TOTAL =  |              |              |                | 890.00   |
| Reduction by 1/2 for filing by a small entity            |              |              |                | -  |
| TOTAL FILING FEE =                                       |              |              |                | \$890.00   |

## 10. Fee Payment

- ☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**  
 This application is being filed under the provisions of 37 C.F.R. §1.53(f).  
 Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
- ☒ Enclosed.  
 Two checks in the amounts of \$890.00 and \$40.00, representing a filing fee of \$890.00 and an assignment recordation fee of \$40.00 are enclosed.

11. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

12. Additional papers enclosed:

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_\_\_ references included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

**Please accord this application an application number and filing date.**

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Richard W. James

Reg. No. 43,690

Dated: November 14, 2000

**Customer No. 009629**

**MORGAN, LEWIS & BOCKIUS LLP**

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Christopher J. SMITH  
Serial No. Not Yet Assigned  
Filed: Concurrently Herewith  
For: "METHOD AND APPARATUS TO PERFORM BUY  
VERSUS LEASING TRANSFORMATIONAL BIDDING"

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EK827121959US  
Date of Deposit November 14, 2000

I hereby state the following papers are attached hereto:

Transmittal Letter (4 pages), U.S. Patent Application entitled "METHOD AND APPARATUS TO PERFORM BUY VERSUS LEASING TRANSFORMATIONAL BIDDING", comprising a specification (38 pages), title page (1 page), claims (8 pages), Abstract (1 page), informal drawings (7 sheets), Declaration and Power of Attorney (3 pages), Recordation Form Cover Sheet (1 page), Assignment (1 page), Check No. 3062 in the amount of \$890.00 for the filing fee and Check No. 3063 in the amount of \$40.00 for the recordation fee

which are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Dawna E. Mozes

Typed or printed name of person mailing paper

Dawna E. Mozes

Signature of person mailing paper